

1 **FINAL RULE TEXT**

2 **NOTIFICATION OF DISCIPLINARY ACTION, 2000**

3 **Amend §1612.2 Notification of Disciplinary Action**

4 (a) Conditions of staying an order which suspends or revokes a license on any of the grounds for  
5 disciplinary action specified in Section 777, Public resources Code, shall require:

6 (1)(a) Respondent to submit to the Board, not later than thirty (30) days after the decision becomes  
7 effective, a complete list of all business and/or client names, addresses, and phone numbers with whom a  
8 current contractual or employment relationship exists. Furthermore, respondent shall notify the Board  
9 within ten (10) days of any new contractual or employment relationships over the duration of the stayed  
10 order. This information may be used to aid the Board in monitoring the performance of respondent over  
11 the period of the stayed order.

12 (2)(b) Board to notify each business and/or client name submitted, or at its option require  
13 respondent to notify with Board approved language and proof of notification, of the offense(s), findings  
14 and discipline imposed.

15 (b) The Board shall provide public notice of disciplinary actions. The Board shall comply with the  
16 following standards when providing public notice:

17 (1) When the RPF is exonerated, their name and the specifics of the cases will not be made public.  
18 A summary of the case will be noticed in "Licensing News", and will include the following:

19 (A) Case number.

20 (B) Allegation: citing possible cause(s) of action under 14 CCR §1612.1.

21 (C) Authority: citations of applicable statutory and regulatory sections.

22 (D) Action: announcement of the exoneration and a general summary of the facts of the case.

23 (2) When disciplinary action results in the issuance of a PFEC Letter of Concern or Private Board  
24 Reprimand, the name of the RPF and specifics of the case will not be made public. A summary of the  
25 case will be noticed in "Licensing News", and will include the following:

1 (A) Case number.

2 (B) Allegation: citing possible cause(s) of action under 14 CCR §1612.1.

3 (C) Authority: citations of applicable statutory and regulatory sections.

4 (D) Action: announcement of the disciplinary action taken and a general summary of the facts of  
5 the case.

6 (3) When disciplinary action results in license suspension or revocation, the name of the RPF and  
7 the specifics of the case will be made public. A summary of the case will be noticed in the "Daily  
8 Recorder", "Licensing News", the meeting minutes of the Board, and announced in open session of the  
9 Board meeting at which the discipline was approved. These notices will include the following:

10 (A) Case number.

11 (B) RPF name and license number.

12 (C) City of business at the time of notice.

13 (D) Allegation: citing possible cause(s) of action under 14 CCR §1612.1.

14 (E) Authority: citations of applicable statutory and regulatory sections.

15 (F) Action: announcement of the disciplinary action taken and a specific summary of the facts of  
16 the case.

17 (4) The information summarized in "Licensing News" under (b)(1), (b)(2), and (b)(3) above shall be  
18 available upon request to the public.

19 (c) The Board may provide notice to the news media of disciplinary actions. The Board shall  
20 comply with the following standards when providing notice to the media.

21 (1) Media releases shall occur in all instances when disciplinary action results in the following:

22 (A) Suspension or revocation based on any of the following cause(s):

23 (i) conviction of a felony as defined in Section 778(a) and governed by Section 778.5 of the Public  
24 Resources Code.

25 (ii) fraud.

1        (iii) deceit.

2        (iv) gross negligence.

3        (v) incompetence.

4        (B) The PFEC has recommended revocation or a suspension greater than 30 days for any cause  
5 under 14 CCR §1612.1.

6        (2) The media release shall be approved by the by the Board, and shall contain all information  
7 cited in subsection (b)(3).

8        (3) The media release shall be submitted to a newspaper of general circulation in the county(ies)  
9 where the infraction(s) occurred.

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11 Note: Authority cited: Sections 708, 751, 759, 777 and 778, Public Resources Code. Reference: Sections  
12 708, 730, 751, 759, 775, 776, 777 and 778, Public Resources Code.